

## REMARKS/ARGUMENTS

Basis for the insertion in claims 1 and 26 may be found at page 14 line 26.

In paragraph 1 of the Office Action, claim 12 stands rejected under 35 U.S.C. 112 as being indefinite. The Examiner notes that claim 12 depends on a canceled claim. It is respectfully requested that this rejection be reconsidered and withdrawn as claim 12 has been deleted.

In paragraph 2 claims 1, 2, 4-8, 13-20, and 26-29 stand rejected under 35 U.S.C. 102 as anticipated by or, in the alternative, under 35 U.S.C. 103 as obvious over Bourdelais et al ('282). Bordelais et al. is stated to teach photographic materials with dyes formed from color couplers and patterns of microdots including colored microdots coloring the image formed from the couplers. The pattern may be printed between the supports and dye image, and over the image element. The Examiner states that if Bordelais et al. does not disclose the instant claims that it would be at least obvious to one skilled in the art to use the printed microdot patterns of Bordelais et al. in the photographic element of Bordelais et al. containing dye images formed from couplers as disclosed in Bordelais et al. This rejection is respectfully traversed.

Bordelais et al. discloses a pattern of microdots that is placed either below a photographic image, printed on the image, or placed on the back of the photographic member. The Examiner states the dots may be placed over the image element, but the undersigned was not able to locate reference to this. The instant claims require ink printing in registration with a photographic image. This is not disclosed or suggested by Bordelais et al. The microdots are printed without relation to the photographic image formed. Indeed, these dots are printed prior to forming a photographic image. Therefore, Bordelais et al. is not anticipatory of the instantly claimed invention. Further, there is no disclosure suggestion to modify Bordelais et al. to provide ink printing in selective areas of the image. The printing of the dots is to prevent counterfeiting or to provide authentication of an image. In contrast the instant invention may print text or improve the gamut of the photographic image after its formation. This

registration with an image is not disclosed or suggested by Bordelais et al. ('282). Therefore, it is respectfully requested that this rejection be reconsidered and withdrawn.

In paragraph 3, claims 1, 2 ,4-9, 13-20, and 26-29 stand rejected under 35 U.S.C. 102 as being anticipated by or, in the alternative, under 35 U.S.C. 103 as obvious over Aylward et al ('024). Aylward et al. is stated to disclose laminating a sheet with a pattern over a dye image formed from couplers in a photographic element. The pattern may be applied with pen or inkjet. The photographic elements may also contain printed patterns of colored microdots. The Examiner states that if Aylward et al. does not anticipate the instant claims that it would at least be obvious to one skilled in the art to use ink print patterns and sheets as disclosed in Aylward et al. for applying over dye images. This rejection is respectfully traversed.

Aylward et al. discloses imaging element having adhered to the backside a strippable polymer layer that when removed has an adhesive layer thereon. The strippable sheet is disclosed as possibly having a pattern thereon. Aylward et al. also discloses the use of microdot patterns to prevent copying or for identification of the print. The instant invention as claimed relates to a photographic image that is overprinted in registration with a printing ink. Neither of the techniques disclosed by Aylward et al. produces the claimed invention. Therefore, Aylward et al. is not anticipatory of the instant invention. Further, the invention as claimed is not obvious from Aylward. There is no disclosure or suggestion of the printing of an area on a photographic image, in registration with the image. The systems of Aylward et al. all are such that the printing takes place prior to image development. In contrast, the instant invention ink overprints the photographic image in registration with the photographic image. Such a process is not disclosed or suggested by Aylward et al.. Therefore, it is respectfully requested that this rejection be reconsidered and withdrawn.

In paragraph 4, claims 1, 4-8, and 13-19 stand rejected under 35 U.S.C. 103 as being unpatentable with a combination of Hannon and Wingender (U.S. 6,033, 832). The Examiner states that Hannon discloses ID cards comprising

photographs laminated with printed patterns polymer sheets. The Examiner states that Wingender discloses that photographs, used in ID cards are color photographs formed from color couplers. The Examiner states it would be obvious to one skilled in the art to use color photographs formed from color couplers as the called for photographs in Hannon. Hannon is also stated to disclose printed areas adjacent the photograph of the person. This rejection is respectfully traversed.

Hannon et al. discloses a photographic ID card that may be over laminated with a printed pattern and also may have a printed pattern adjacent to the photograph. Wingender discloses the formation of an ID card which has a region of exposure with infrared radiation. There is no disclosure or suggestion of over printing of an earlier formed photographic image with ink printing. There is no disclosure suggestion to modify either the Wingarden or Hannon processes to reach the instant invention. There is no disclosure or suggestion in either reference of over printing with ink in registration with a photograph. Therefore, it is respectfully requested that this rejection be reconsidered and withdrawn.

In paragraph 6 of the Office Action, claims 1, 4-7, 15-19, and 26-29 stand rejected under 35 U.S.C. 103 as being fully met by Dean et al.. Dean et al. is stated to disclose processes for color and multicolor photographic dye images by laminating thereon sheets with dye around to relief image patterns or by dyeing relief images already on multicolor photographic dye image elements. This rejection is respectfully traversed. Dean et al. does form photographic images and then applies masking to these images by laminating and the laminated sheet is then developed. There is no disclosure suggestion to modify Dean et al. to utilize ink printing in registration with a photographic image. Therefore, it is respectfully requested that this rejection be reconsidered and withdrawn.

In paragraph 7, claims 1, 2, 4-9, 12-20, and 26-29 stand rejected under the judicially created doctrine of obviousness-type double-patenting as being unpatentable over claims 1-26 of U.S. Patent No. 6,593, 042. It is respectfully requested that this rejection be reconsidered and withdrawn in view of the Terminal Disclaimer over U.S. patent 6,593, 042 which is filed simultaneously with this amendment.

Therefore, it is respectfully requested that the rejections under 35 U.S.C. 112, 35 U.S.C. 103, 35 U.S.C. 102, and under double patenting be reconsidered and withdrawn and that an early Notice Allowance be issued in this application.

Respectfully submitted,



\_\_\_\_\_  
Attorney for Applicant(s)  
Registration No. 26,664

Paul A. Leipold/s-p  
Rochester, NY 14650  
Telephone: 585-722-5023  
Facsimile: 585-477-1148